

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COPY

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LETICIA FRANCINE STIDHUM,

Plaintiff,

-against-

CASE: 21-CV-07163

161-10 HILLSIDE AUTO AVE, LLC d/b/a HILLSIDE
AUTO OUTLET, and HILLSIDE AUTO MALL INC
d/b/a HILLSIDE AUTO MALL, ISHAQUE THANWALLA,
JORY BARON, RONALD M. BARON and ANDRIS GUZMAN,

Defendants.
-----X

March 09, 2023

10:08 A.M.

VIRTUAL EXAMINATION BEFORE TRIAL of
ANDRIS GUZMAN, via Zoom, a Defendant herein,
held at the above-mentioned time and taken
before Lynn Luckman, a Notary Public and
Shorthand Reporter within and for the State
of New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

A P P E A R A N C E S:

TROY LAW, PLLC

Attorneys for the Plaintiff

41-25 Kissena Boulevard, Suite 103

Flushing, New York 11355

BY: Tiffany Troy, Esq.

MILMAN, LABUDA LAW GROUP, PLLC

3000 Marcus Avenue, Suite 3W8

Lake Success, New York 11042-1073

BY: Emanuel Kataev, Esq

emaanuel@milaborlaw.com

ALSO PRESENT: Deana Jennings, Leticia

Stidhum and Ishaque Thanwalla (for one hour
only).

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between counsel for the respective parties
hereto that all objections except as to the
form shall be reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of this deposition
shall be hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that this examination may be sworn to by the
witness being examined before a notary public
other than the notary public before whom
examination was begun examination was begun.

1 Andris Guzman

2 BY THE COURT REPORTER:

3 The attorneys participating
4 in this deposition
5 acknowledge that I am not
6 physically present in the
7 deposition room and that I
8 will be reporting this
9 deposition remotely. They
10 further acknowledge that, in
11 lieu of an oath administered
12 in person, I will administer
13 the oath remotely. The
14 parties and their counsel
15 consent to this arrangement
16 and waive any objections to
17 this manner of reporting.

18 MS. TROY: I consent

19 MR. KATAEV: So
20 stipulated.

21 * * *
22
23
24
25

1 Andris Guzman

2 A-N-D-R-I-S G-U-Z-M-A-N, a
3 Defendant herein, after having been duly
4 sworn by a Notary Public of the State of
5 New York, was examined and testified as
6 follows:

7
8 BY THE REPORTER:

9 Q. Please state your full name
10 for the record.

11 A. Andris Guzman.

12 Q. Please state your present
13 address for the record.

14 A. 161-10 Hillside Avenue
15 Jamaica N.Y. 11432

16 Home address is 1230 30th Drive
17 Astoria, N.Y. 11102.

18
19 MS. TROY: We are
20 going to for the record, we
21 are going to pause the record
22 and the witness is going to
23 show his ID. Then we're
24 going to mark that as Exhibit
25 16.

1 Andris Guzman

2 (Plaintiff's Exhibit 16
3 deemed marked for
4 identification)

5 MS. TROY: The witness
6 will show his ID as per the
7 Judge's Order.

8 (The witness complies and
9 shows his ID).

10 MS. TROY: That is fine.

11 [Time noted is 10:10 a.m.]
12 The recording is going back
13 on now.

14 EXAMINATION BY

15 TIFFANY TROY:

16 Q. Mr. Guzman, the address that you
17 stated to the court reporter, is that your
18 business address?

19 A. I'm sorry?

20 Q. Was the address that you stated
21 your business address?

22 MS. TROY: Emanuel, if you
23 don't mind adjusting the
24 volume so that we can hear.

25 MR. KATAEV: I will put it

1 Andris Guzman

2 all the way up.

3 A. Yes, it is Hillside Auto Outlet.

4 Q. Can you give me your residential
5 address as well?

6 A. Sure. 1230 30th Drive, Astoria,
7 New York, 11102.

8 Q. Have you ever been part of a
9 deposition before?

10 A. No.

11 MR. KATAEV: Let's go off
12 the record.

13 (A discussion was held off
14 the record)

15 MR. KATAEV: Note for the
16 record that the plaintiff is
17 attending virtually.

18 Q. In that case, I am going to
19 explain what a deposition is and lay down
20 some ground rules going forward; do you
21 understand?

22 A. Yes.

23 Q. First, this deposition is for me
24 to ask you questions and for you to answer
25 my questions about the subject matter of

1 Andris Guzman

2 this lawsuit; do you understand?

3 A. Yes.

4 Q. Specifically, we are talking
5 about the pregnancy discrimination case
6 today and my questions will be focused on
7 the pregnancy discrimination case. Also,
8 there is another separate wage rate and hour
9 case, but that is separate, do you
10 understand that?

11 A. Yes.

12 Q. Since the court reporter has to
13 take down everything that you say, I ask
14 that you give verbal responses, no shaking
15 or nodding of your head and no gestures; do
16 you understand that?

17 A. Yes.

18 Q. For the same reason, please
19 speak clearly and loudly when you answer a
20 question; do you understand?

21 A. Yes.

22 Q. The court stenographer can only
23 write down when one person is speaking at a
24 time. Therefore, please don't start
25 answering one of my questions before I stop

1 Andris Guzman

2 asking it. Likewise, I will not start a new
3 question until you have finished answering
4 my last question; do you understand that?

5 A. Yes.

6 Q. If you need a break, for
7 example, to get a drink of water or to use
8 the restroom, please feel free to tell me
9 and I will call for a recess. However,
10 there can be no break between one of my
11 questions and your answer to that question;
12 do you understand that?

13 A. Yes.

14 Q. From time to time, your attorney
15 may make objections to my questions.
16 Generally, however, unless your attorney
17 tells you not to respond, you will still
18 have to respond; do you understand that?

19 A. Yes.

20 Q. If you don't understand a
21 question, tell me and I'll rephrase it so
22 that you can. If you don't hear a question,
23 tell me and I'll repeat it so that you do;
24 do you understand that?

25 A. Yes.

1 Andris Guzman

2 Q. We are here today to gather
3 facts and not speculation. If you don't
4 know the answer to a question, say so; do
5 you understand?

6 A. Yes.

7 Q. Do you understand that you have
8 taken an oath to tell the truth?

9 A. Yes.

10 Q. Do you understand that your oath
11 to tell the truth carries the same force and
12 effect as if you were testifying in Court
13 before a Judge?

14 A. Yes.

15 Q. Are you currently taking any
16 medications that could prevent you from
17 recalling the truth or testifying truthfully
18 today?

19 A. No medications.

20 Q. How about any physical or
21 emotional conditions, are you currently
22 under any physical or emotional conditions
23 that could prevent you from recalling the
24 truth or testifying truthfully today?

25 A. No, no such conditions.

1 Andris Guzman

2 Q. Besides your attorney, did you
3 speak with anyone in order to prepare for
4 today's deposition?

5 A. I spoke with my attorney.

6 Q. Now, please listen to my
7 question carefully. The question is:
8 besides talking with your attorney, did you
9 speak with anyone else in order to prepare
10 for today's deposition?

11 A. No.

12 MR. KATAEV: The
13 defendants object to the
14 plaintiff appearing without
15 going on the video. We are
16 okay with the fact that she's
17 on the video, but if she
18 doesn't want to, then she has
19 to leave.

20 MS. TROY: The witness has
21 a right to appear at the
22 deposition. I am fine with
23 her showing her face to
24 verify that she is the only
25 person in the room.

1 Andris Guzman

2 MR. KATAEV: That is fine.

3 MS. TROY: The witness is
4 allowed to be present in the
5 deposition.

6 Are you telling me that
7 you are asking her to leave
8 even though she is the
9 plaintiff?

10 MR. KATAEV: We have asked
11 her to leave only if she
12 refuses to remain on the
13 video for the duration of the
14 deposition. She can remain
15 on mute, but the video has to
16 be on. Obviously, if she's
17 not, if she is busy with
18 something else and she has to
19 step out, that is fine. But,
20 the video has to remain on.

21 MS. TROY: Ms. Stidhum,
22 are you there? Can you just
23 open your video feed and
24 maybe just make sure that you
25 are who you say you are. You

1 Andris Guzman

2 can do that and then you can
3 turn off the video.

4 This can also be off the
5 record.

6 MR. KATAEV: On the
7 record, while we are waiting
8 for the plaintiff to join the
9 video, we have Deana
10 Jennings, the corporate
11 representative joining us.

12 Deana, if you can just
13 identify yourself and keep
14 the volume turned down. That
15 would be great.

16 MS. JENNINGS: That is
17 fine.

18 MR. KATAEV: We have a
19 third party joining. Let the
20 record reflect that Deana
21 Jennings is joining us by
22 video. We are now waiting
23 for the plaintiff to join by
24 video and then we can resume.

25 Let's go off the record.

1 Andris Guzman

2 (A discussion held was held
3 off the record)

4 Q. Let's go back on the record.

5 MS. TROY: The time now is
6 10:29 and the record should
7 reflect the attendance of
8 Deana Jennings, who is the
9 corporate representative for
10 the two corporate defendants.

11 Ms. Jennings, I am
12 just confirming that there
13 was no one else in the room
14 with you.

15 MS. JENNINGS: No, no one
16 else, just me.

17 MS. TROY: Can you confirm
18 that throughout the duration
19 of this deposition, except
20 during on break, that there
21 will be no one else in the
22 room with you, Ms. Jennings?

23 MS. JENNINGS: Yes.

24 MS. TROY: We are now
25 ready to proceed.

1 Andris Guzman

2 Q. Without telling me the contents
3 of your communications, did you, yes or no,
4 talk to your attorney to prepare for today's
5 deposition.

6 A. Yes.

7 Q. Did you review any documents in
8 preparation for today's deposition?

9 A. Yes.

10 Q. What were those documents, can
11 you describe them for me?

12 A. I don't remember specifically
13 the details of it. But, I knew that it had
14 to do--- had to do with the situation at
15 hand.

16 Q. Can you describe the type of
17 documents even if you don't recall the
18 specific details?

19 A. Papers about the case.

20 Q. ''By papers about the case,'' do
21 you mean the written documents that were
22 exchanged between the parties?

23 A. Yes.

24 Q. Did you review any documents
25 about the pay that Leticia Stidhum received?

1 Andris Guzman

2 A. No.

3 Q. How about the pay that other car
4 salespeople received, did the documents that
5 you reviewed include such documents?

6 A. No.

7 Q. Did the documents that you
8 reviewed include any documents pertaining to
9 the sales of Hillside Auto Outlet?

10 A. No.

11 Q. Did you review any text messages
12 or phone records?

13 A. At some point, yes.

14 Q. Can you describe the text
15 messages for me?

16 A. I don't know how off the top of
17 my head.

18 Q. Do you recall who were the
19 parties in the text messages; in other
20 words, who sent text messages to whom in the
21 text messages that you did review?

22 A. Repeat the question for me,
23 please.

24 Q. Sure. You said that you don't
25 know off the top of your head, you could not

1 Andris Guzman

2 give a description of the text messages.

3 I am now asking you: do you recall
4 between which two people or which parties
5 the text messages were sent to and from?

6 A. I was checking to see if there
7 was any communications to text messages,
8 through text message.

9 MR. KATAEV: The question
10 was with whom, right Tiffany?

11 Q. Specifically, did you have any
12 communications, and let's start from the
13 plaintiff; did you have any text message
14 communications with Leticia?

15 A. Before, yes, when I used to work
16 at the dealership. I meant when I used to
17 work at the dealership.

18 Q. When did you stop working at the
19 dealership?

20 A. Few years ago.

21 Q. Do you recall which year?

22 A. In 2019.

23 Q. Do you recall which month in
24 2019?

25 A. The summer, I believe, August, I

1 Andris Guzman

2 would say.

3 Q. Right after Hillside Auto, where
4 did you work next?

5 A. I worked at another dealership.

6 Q. What was the name of that
7 dealership?

8 A. That was on Long Island, New
9 York Off Lease.

10 Q. After New York Off Lease, where
11 did you work next?

12 A. Victory Mitsubishi.

13 Q. Do you recall what year and what
14 month you started working at Victory
15 Mitsubishi?

16 A. It was around September of 2020.

17 Q. After Victory Mitsubishi, did
18 you work anywhere else?

19 A. No.

20 Q. Let's turn back to the text
21 messages between you and Leticia. You said
22 that you checked if there were any text
23 messages; did you find any?

24 A. Yes, we did communicate through
25 text.

1 Andris Guzman

2 Q. Have you produced those text
3 messages to your attorney?

4 A. Repeat the question.

5 Q. Have you sent over those text
6 messages to your attorney?

7 A. Yes, I did show him.

8 MR. KATAEV: The
9 defendants will be producing
10 those messages shortly.

11 Q. When did you show those text
12 messages to your attorney?

13 A. While -- I don't remember the
14 exact time.

15 Q. Was it this year, last year, or
16 a few years ago?

17 A. This year, I believe.

18 Q. Do you recall which month of
19 this year you showed the text messages to
20 your attorney?

21 A. I don't recall if it was January
22 or February. I don't have the exact time
23 and date exactly.

24 Q. Do you know who the defendants
25 are in this case, Mr. Guzman?

1 Andris Guzman

2 A. Yes, I have an idea.

3 Q. Besides your text messages with
4 Leticia Stidhum, the plaintiff, did you ever
5 have any text messages with any of the
6 defendants?

7 A. With any other defendants,
8 meaning --

9 MS. TROY: May the record
10 reflect that Mr. Kataev is
11 muted and somebody is on the
12 video and I don't know --

13 MR. KATAEV: I moved my
14 screen over to the right so
15 that he could look at it.

16 Q. What was your response?

17 A. Repeat the question.

18 Q. It was a very simple question,
19 the question is; did you text with any of
20 the other defendants?

21 MR. KATAEV: About
22 anything?

23 MS. TROY: When you were
24 working at Hillside Auto.

25 MR. KATAEV: About

1 Andris Guzman

2 anything?

3 Q. Let's start from anything, and
4 then we will narrow it down.

5 A. Okay. I mean I used to work,
6 absolutely, and we all communicated.

7 Q. By text message?

8 A. Calls or texts.

9 Q. Did some of the text messages
10 concern Leticia Stidhum?

11 A. I don't recall, it was awhile
12 back.

13 Q. When you were talking about how
14 you were checking to see if there were any
15 communications through text messages, did
16 you check to see if you had any text
17 messages, and let's start for instance, with
18 Ishaque Thanwalla?

19 A. No. I just checked through, I
20 checked hers and I saw that the information
21 about her, she was the first person that was
22 being involved. I didn't check anybody
23 else's.

24 MS. TROY: Let's go off
25 the record.

1 Andris Guzman

2 (A discussion was held off
3 the record)

4 MS. TROY: Let's mark this
5 as Demand Number 9. And I
6 will get to that in a moment.

7 Q. Mr. Guzman, what is your phone
8 number?

9 A. What is my phone number?

10 Q. Yes, correct.

11 A. You want the exact numbers?

12 Q. Correct.

13 A. 347 749-0633.

14 Q. Who is your service provider?

15 MR. KATAEV: Objection as
16 to relevance. You can
17 answer.

18 MS. TROY: Emanuel, you're
19 going to have to figure out
20 your sound situation.

21 MR. KATAEV: I said
22 ``objection as to relevance
23 but, you may answer.``

24 I just moved the
25 microphone maybe that will be

1 Andris Guzman

2 better.

3 Q. Please answer the question, who
4 is your service provider?

5 A. I believe is T-Mobile.

6 Q. Did you have the same phone from
7 2018 until the present day, the same phone
8 number?

9 A. Yes.

10 Q. What type of phone is it, do you
11 have an iPhone?

12 MR. KATAEV: Objection to
13 the form of the previous
14 question. You can answer the
15 question.

16 A. iPhone.

17 Q. Did you use the iPhone from 2018
18 to the present day with a different iPhone
19 but it was an iPhone?

20 A. Did I have different phones?

21 Q. Yes.

22 A. Yes, I did have different
23 phones.

24 Q. Were the different phones all
25 iPhones?

1 Andris Guzman

2 A. Yes.

3 Q. During your time at Hillside
4 Auto Outlet, are you familiar with Deana
5 Jennings, the individual who is on the
6 screen?

7 A. Yes.

8 Q. During this time, were there
9 ever times when you would text with her?

10 A. I don't recall. I don't
11 remember.

12 Q. During your time working at
13 Hillside Auto, were there times that you
14 would text with Ishaque?

15 A. Yes.

16 Q. How about Jory Baron?

17 A. I don't recall.

18 MS. TROY: Emanuel, when
19 will you be producing the
20 text messages between Andris
21 Guzman and Leticia Stidhum?

22 MR. KATAEV: Right this
23 second, actually.

24 Let the record reflect
25 that the defendants have

1 Andris Guzman

2 produced the text messages
3 between the witness and/or
4 the plaintiff, as well as the
5 conversation including the
6 witness and plaintiff and
7 other employees.

8 Let the record also
9 reflect that the defendants
10 produced voluntarily to the
11 plaintiff the text messages
12 between the plaintiff and the
13 witness, as well as a group
14 text message between the
15 witness and the plaintiff and
16 other individuals at the
17 dealership. I have sent it
18 to you by email.

19 Q. Mr. Guzman, do you have your
20 phone on you or near you?

21 A. No.

22 Q. Where is your iPhone?

23 A. I actually forgot it on my way
24 here.

25 Q. By ``forgot it on my way here,``

1 Andris Guzman

2 what do you mean?

3 A. I was running because I thought
4 I was going to be late. So, I forgot it at
5 the house when I left.

6 Q. Did someone instruct you to
7 leave your phone at home?

8 MR. KATAEV: Objection to
9 the form. That is
10 attorney/client privilege.
11 To the extent that any such
12 conversations were held
13 between yourself and myself,
14 I instruct you not to answer
15 that question.

16 Q. Mr. Guzman, do you understand
17 that you are under oath to tell the truth;
18 is that correct?

19 A. Correct.

20 Q. When you said that you ``forgot
21 it,`` on your way here, is that true?

22 A. Yes.

23 MR. KATAEV: Objection.
24 Asked and answered. Please
25 move on.

1 Andris Guzman

2 Q. Did you intentionally leave your
3 phone at your home?

4 MR. KATAEV: Objection.
5 You are harassing the witness
6 and I instruct the witness
7 not to answer the question.

8 MS. TROY: On what basis?

9 MR. KATAEV: You can call
10 the Judge. Stop harassing
11 the witness.

12 Q. Do you know the answer to my
13 question?

14 MR. KATAEV: Objection.
15 You are harassing the
16 witness, and --

17 MS. TROY: Harassing the
18 witness is not a valid
19 objection.

20 MR. KATAEV: Yes, it is
21 under rule 30. Do you want
22 me to point to the specific
23 provision? He answered your
24 question. Move on or call the
25 Judge. I am instructing him

1 Andris Guzman

2 not to answer.

3 MS. TROY: We will call
4 the Judge.

5 MR. KATAEV: That is fine.
6 Let the record also reflect
7 that the defendant Mr.
8 Thanwalla, will be leaving at
9 10:43 a.m.

10 (Mr. Thanwalla left the
11 deposition)

12 (A call was made to the Judge
13 at 10:43 a.m.)

14 MS. TROY: I will put this
15 on the speaker.

16 (Ms. Troy complies)

17 ``MS. TROY: Good morning,
18 this is Tiffany Troy, Your
19 Honor. I have Lynn Luckman,
20 the court reporter with me
21 and Mr. Kataev and his
22 witness, Andris Guzman. We
23 are doing a deposition right
24 now and he has instructed his
25 witness not to answer a

1 Andris Guzman

2 question on the basis of
3 harassing the witness. I
4 told him that that was not a
5 valid objection and that he
6 needed to respond. He then
7 directed his client not to
8 respond.

9 THE COURT: I'm going to
10 put you on hold for a moment.

11 MS. TROY: To the
12 reporter, if you don't mind
13 taking this all down, again,
14 we're just going to need to
15 ask the Judge for her
16 permission. If you don't
17 mind, please do me a favor,
18 Lynn and read back the last
19 question before all of the
20 colloquy.

21 (The court reporter
22 complies).

23 Please note for the record
24 that it is now 10:46. And
25 then it goes to 10:49 and

1 Andris Guzman

2 that we are on the record
3 waiting for the Judge.

4 THE CLERK: I'm going to
5 give you the number and the
6 code to get on the line.

7 MS. TROY: What I'm going
8 to do is that, I'm going to
9 dial and we will just be on
10 speakerphone.

11 MR. KATAEV: I'm just
12 going to mute myself here,
13 and I'm just going to be on
14 the phone.

15 MS. TROY: That should be
16 fine. You will hear it on
17 the speaker?

18 MR. KATAEV: On the phone,
19 yes. I'm going to mute
20 myself on the computer in
21 terms of that you are no
22 longer going to be able to
23 hear me. I'm going to mute
24 my sound so that I don't hear
25 you guys.

1 Andris Guzman

2 MS. TROY: Let's go off
3 the record.

4 (A discussion was held off
5 the record)

6 MS. TROY: Again, Your
7 Honor, we have the court
8 reporter, Ms. Lynn Luckman on
9 the call and she will be
10 taking down what is being
11 said.

12 THE COURT: That is fine.
13 I'm still recording this and
14 I'm going to start the sound,
15 and my clerk will note your
16 appearances.

17 I will tell you that
18 this cannot keep happening.
19 You are coming to me with
20 other -- other cases were
21 scheduled, and I will tell
22 you now, this is not going to
23 get you any bonus points
24 calling in every week from a
25 deposition, okay? You're

1 Andris Guzman

2 going to have to figure out
3 how to deal with one another.

4 Just to let you know that
5 this is being recorded.

6 Please tell me the name of
7 the case and state your name
8 for the record.

9 MS. TROY: Your Honor,
10 this is Tiffany Troy calling
11 from Troy Law. This is case
12 21-CV-07163.

13 THE COURT: I am just
14 going to tell you Ms. Troy
15 and Mr. Kataev, let the
16 record reflect that this
17 is not a scheduled
18 conference. This matter
19 is something that I have
20 been contacted about
21 previously, regarding
22 previous matters in this
23 deposition. The attorneys
24 have not been able to
25 resolve their disputes.

1 Andris Guzman

2 Before we went on the
3 record, I did note that
4 this happened last week,
5 and that again, to have
6 brought a dispute the
7 following week definitely
8 is not scheduled and is
9 unacceptable. I am not
10 going to continue to
11 babysit two attorneys who
12 can not get their business
13 done.

14 Ms. Troy and Mr.
15 Kataev, that is without being
16 told whose deposition it is
17 or what the problem is. So,
18 who wants to put on the
19 record why I am being
20 contacted today?

21 MS. TROY: I would like to
22 put on the record that this
23 is plaintiff's attorney
24 speaking. We have Andris
25 Guzman as the witness today

1 Andris Guzman

2 at plaintiff's deposition of
3 the defendant. Andris Guzman
4 is on his phone and he has
5 text messages with Leticia
6 Stidhum, the plaintiff as
7 well as an issue, and not
8 withstanding that as well as
9 potentially other defendants
10 including text messages that
11 cover the period in question.
12 He testified that he left his
13 phone at home. I asked him
14 why and he said ``I forgot
15 it.'' He stated that he
16 thought he was going to be
17 late and he said, ``I forgot
18 it at the house.''

19 I asked him if someone
20 told him to leave it at home,
21 and Emanuel interposed an
22 objection based on
23 attorney/client privilege to
24 the extent that there is any
25 such communications between

1 Andris Guzman

2 himself and his client, and
3 he instructed the witness not
4 to answer.

5 Then, I asked if he said
6 that he forgot it and he
7 answered ``yes.'' I then asked
8 him ``did you intentionally
9 leave your phone at your
10 home?'' Then Mr. Kataev again
11 objected and instructed the
12 witness not to answer the
13 question.

14 I would just like to note
15 as well that in the previous
16 week with Jory Baron, the
17 witness also testified that
18 he forgot his phone at home
19 and that the phone contained
20 text messages that included -
21 -

22 THE COURT: We can get the
23 business accomplished. When
24 you were making your
25 Discovery demands of the

1 Andris Guzman

2 defendants, did you request
3 any emails or text messages?

4 MS. TROY: Yes, Your
5 Honor.

6 THE COURT: Were they
7 produced?

8 MS. TROY: No. What
9 happened, Your Honor, was
10 that during the deposition of
11 Ishaque Thanwalla, Mr.
12 Thanwalla testified that he
13 had text messages and that is
14 when the defendant produced
15 the texts messages between
16 Leticia and Thanwalla.

17 Then, last week during
18 the deposition of Jory Baron,
19 Mr. Baron testified in fact
20 that he had text messages
21 with Leticia. Then, when the
22 defendants produced his text
23 messages with Leticia again
24 today, it's the same issue,
25 which is that I asked the

1 Andris Guzman

2 question ``are there any other
3 text messages,`` and then were
4 any produced, and I think he
5 said in January or February.
6 Then Mr. Kataev again just
7 turned over the text messages
8 between Mr. Guzman and
9 Leticia today during the
10 deposition.

11 THE COURT: Stop talking.
12 Enough. I got the picture.
13 Mr. Kataev, you're going to
14 subject your client to
15 multiple depositions here by
16 not turning over these text
17 messages before the
18 deposition. Why is that
19 going to be a good use of an
20 anyone's time or --

21 MR. KATAEV: That is not
22 accurate. Multiple
23 representations seem to be --

24 THE COURT: I want you to
25 answer my question. Did your

1 Andris Guzman

2 client turn over their text
3 messages?

4 MR. KATAEV: Yes, they
5 did. And there are no
6 requests I have no document
7 requests.

8 THE COURT: Mr. Kataev, I
9 don't have the document
10 request in front of me.
11 Certainly Ms. Troy is
12 entitled to any text messages
13 for the relevant time period.

14 MR. KATAEV: I --

15 THE COURT: Mr. Kataev, I
16 am tired of being interrupted
17 by you.

18 MR. KATAEV: I apologize.

19 THE COURT: So, the
20 dispute right now, as I
21 understand from Ms. Troy,
22 that we just went over Mr.
23 Guzman and she spoke about
24 it, but she said Mr. Guzman
25 left his phone at home and

1 Andris Guzman

2 that he said that there are
3 text messages on that phone
4 that relate to this case. Is
5 that something that you are
6 contesting, Mr. Kataev?

7 MR. KATAEV: Not exactly
8 Your Honor, I provided --

9 THE COURT: What do you
10 mean by "not exactly?" Is it
11 yes or no?

12 MR. KATEV: I'm trying to
13 answer your question. Please
14 allow me to.

15 THE COURT: I am getting
16 very close to saying that I'm
17 not going to accept your
18 representation; do you
19 understand that?

20 MR. KATAEV: I understand
21 that.

22 THE COURT: Mr. Kataev, I
23 asked whether or not he has
24 text messages on his phone.
25 Please answer me, and if the

1 Andris Guzman

2 answer is that he did not --

3 MR. KATAEV: He answered
4 yes. They have been produced
5 between himself and the
6 plaintiff, and that he has
7 voluntarily produced the
8 group text messages,
9 including the plaintiff's
10 witness and other witnesses.
11 She asked, ``do you have text
12 messages, for example, with
13 Ishaque?'' He said --

14 THE COURT: Mr. Kataev --

15 MR. KATAEV: Your Honor,
16 may I please finish what I am
17 saying? I am done
18 interrupting you though, but
19 can I finish?

20 THE COURT: Go ahead Mr.
21 Kataev.

22 MR. KATAEV: While the
23 issue was that he was asked
24 ``did you ever have any text
25 messages?'' And he said ``yes.``

1 Andris Guzman

2 She did not ask ``did you ever
3 have any text messages
4 provided --

5 MS. TROY: I did.

6 THE COURT: Mr. Kataev,
7 did not interrupt you. Do
8 not interrupt him.

9 MR. KATAEV: I believe the
10 fastest way to do this is to
11 have the court reporter read
12 the record --

13 THE COURT: I am not going
14 to do that, that is
15 babysitting two attorneys who
16 cannot get along.

17 I am not going to indulge
18 the fact that he left the
19 phone at his home. You were
20 saying all of his text
21 messages were produced. We
22 are going to have to have
23 that in writing, and I'm
24 going to resolve it on what
25 the question and answers

1 Andris Guzman

2 were.

3 As far as asking Mr.
4 Guzman, Ms. Troy, whether or
5 not he left it at home on
6 purpose or he left it at home
7 because he was told to,
8 please leave that aside. I
9 really don't care as long as
10 you get the information that
11 you need to get this case
12 litigated.

13 As far as what the
14 objection was about
15 attorney/client privilege, I
16 told you that we are on a
17 guideline on both sides of
18 this case of overdoing
19 everything. I can't imagine,
20 I really can't imagine Mr.
21 Kataev that you told your
22 client to leave their phone
23 at home. If you did, I will
24 tell you that that is not a
25 good idea. If every

1 Andris Guzman

2 defendant that is called for
3 a deposition left their phone
4 at home on the day of the
5 deposition, that would be
6 something that would concern
7 the Court. Do you understand
8 me, Mr kataev?

9 MR. KATAEV: Your Honor, I
10 understand. That is not --

11 THE COURT: Mr. Kataev, do
12 you understand that I have
13 other cases and that this
14 sort of dispute should not be
15 put to the Court?

16 MR. KATAEV: I do
17 understand, but I did not --

18 THE COURT: Do you
19 understand that part of this
20 is because again, that you
21 are telling me that he
22 produced all of his text
23 messages that have anything
24 to do with Ms. Stidhum, and
25 you're going to be held to

1 Andris Guzman

2 that, is that your
3 representation?

4 MR. KATAEV: Yes, no --

5 THE COURT: Ms. Troy, is
6 there anything, are there any
7 text messages that they
8 supplied to you but they
9 don't have to stipulate
10 between the defendant that
11 doesn't concern Ms. Stidhum,
12 what is your issue with that?

13 MS. TROY: I agree with
14 that.

15 THE COURT: What are we
16 going to do today? Do you
17 want me to instruct Mr.
18 Guzman to return home to get
19 his phone so that you can
20 then look at his text
21 messages? Do you want me to
22 ask him if he has the text
23 messages that they say they
24 produced to him, and you can
25 ask whether there are any

1 Andris Guzman

2 additional text messages that
3 have not been produced. If
4 there are, you can make a
5 Motion to compel where they
6 should turn them over, and
7 you will have what you need
8 for a second deposition. I
9 will consider that.

10 MS. TROY: Understood. We
11 will do the latter option.

12 THE COURT: The latter
13 option? You're going to ask
14 him whether he turned over
15 all the text messages that
16 concern Ms. Stidhum?

17 MS. TROY: Yes.

18 THE COURT: I will stay on
19 the line while you ask the
20 question so that I do not get
21 a call back.

22 MS. TROY: Understood,
23 Your Honor.

24 THE COURT: Now, you can
25 go back on the record Ms.

1 Andris Guzman

2 Court reporter.''

3 Q. Mr. Guzman, are you here?

4 A. Yes, I am here.

5 Q. Besides the text messages
6 between you and Ms. Stidhum, as well as the
7 group message that your attorney just
8 emailed to me 30 minutes ago, are there any
9 other additional text messages, meaning
10 between yourself as well as the defendant
11 that concern Ms. Stidhum's employment at
12 Hillside Auto Outlet?

13 A. No additional text messages.

14 ''THE COURT: Is there
15 anything else that you need
16 to ask while I am on the
17 record, on the line Ms. Troy?

18 MS. TROY: No, Your Honor.
19 Thank you for your time.

20 THE COURT: Mr. Kataev, I
21 will tell you if any other
22 witnesses of yours forget
23 their phone, I will not be
24 pleased to receive a phone
25 call; do you understand?

1 Andris Guzman

2 MR. KATAEV: I just want
3 to put one quick thing on the
4 record, Your Honor.

5 THE COURT: Yes.

6 MR. KATAEV: All of the
7 questions that were asked of
8 my witness were answered.

9 When the witness said that he
10 left his phone at home,
11 plaintiff's counsel reminded
12 him that he is under oath and
13 started to badger and harass
14 him.

15 THE COURT: Oh, please,
16 Mr. Kataev.

17 Look in the mirror when
18 you talk about badgering, the
19 two of you have to get along.
20 How many times do I have to
21 say it? I don't have time
22 for lawyers that make
23 themselves the center of the
24 litigation. Do I need to say
25 it to you again?

1 Andris Guzman

2 MR. KATAEV: No. I'm just
3 representing on the record
4 that there was badgering of
5 the witness and it was
6 completely without any
7 authority.

8 THE COURT: That's great
9 to hear that Mr. Kataev. I
10 was in a conference when I
11 was interrupted with this
12 call. I was on another case
13 and I don't have to speak to
14 you about the other partners
15 at your firm.

16 I am not asking, I'm
17 not saying it's your fault.
18 I'm saying that the toxic mix
19 of you and Ms. Troy is more
20 than the Court can bear. It
21 is not a good use of
22 resources for the Court to
23 get these calls about these
24 issues. The parties should
25 be able to resolve these

1 Andris Guzman

2 issues. Ms. Troy, do you
3 understand?

4 MS. TROY: Yes, Your
5 Honor. I understand.

6 THE COURT: Mr. Kataev, do
7 you understand?

8 MR. KATAEV: Yes, Your
9 honor.

10 THE COURT: This
11 deposition shall proceed.
12 Thank you. This matter is
13 now adjourned. Please note
14 for the record that it is now
15 11:22 a.m. ''

16 Q. Mr. Guzman, during the break,
17 did you discuss your testimony with your
18 attorney; yes or no?

19 A. No.

20 Q. Have you ever been a party to
21 any civil proceeding?

22 A. Explain.

23 Q. Besides this case, were you a
24 plaintiff or a defendant in any other case?

25 A. Does a divorce count? I don't

1 Andris Guzman

2 know. That's as close as I think --

3 Q. Besides the divorce, have you
4 ever been a party to any other civil
5 proceeding?

6 A. Not that I remember.

7 Q. Have you ever been arrested
8 before?

9 A. No.

10 Q. When did you start working for
11 Hillside Auto?

12 A. Beginning of 2018, I think.

13 Q. Do you recall which month?

14 A. The beginning of the year.

15 Q. Besides the address that you
16 gave at the beginning of this deposition,
17 have you lived anywhere else in the past 5
18 years?

19 A. No. That has been my address.

20 Q. What is your highest level of
21 education?

22 A. Some college, I did go to the
23 college.

24 Q. What was your position at
25 Hillside Auto when you began in 2018?

1 Andris Guzman

2 A. Do you mean Hillside Auto
3 Outlet?

4 Q. Right. What was your position
5 there?

6 A. Sales manager.

7 Q. Did your position ever change
8 from the time you began working until the
9 end date, until the end of your employment
10 at Hillside Auto?

11 A. I began as the sales manager,
12 then got promoted to general sales manager.

13 Q. When were you promoted?

14 A. It's been a few years, I'm
15 trying to remember -- I think it's towards
16 the end of the summer, I will say of the
17 same year, 2018.

18 Q. What were your responsibilities
19 as the sales manager?

20 A. What was my responsibilities? Is
21 that the question?

22 Q. Yes.

23 A. I was making sure that I was in
24 charge of the sales that were being made at
25 the dealership. Meaning, I used to make

1 Andris Guzman

2 sure that people bought cars and that they
3 went through the process.

4 Q. How about when you were the
5 general sales manager?

6 A. The general sales manager meant
7 that I was also involved in finance.

8 Q. By ``finance,`` what do you mean?

9 A. Working with the banks and
10 getting people approved for loans.

11 Q. Does that include running the
12 credit for the customers?

13 A. Running the credit for the
14 customers is part of purchasing a vehicle.

15 Q. Did you run the credit when you
16 were the sales manager?

17 A. Yes.

18 Q. You continued running the credit
19 as the general sales manager; is that
20 correct?

21 A. Every manager at the store has
22 access to running credit, it's part of
23 buying and getting all the stipulations
24 needed to get a loan and purchasing the
25 vehicle, right?

1 Andris Guzman

2 Q. Besides what you just described,
3 were there any other additional
4 responsibilities that we have not discussed
5 yet?

6 A. Aside from being in charge of
7 making sure people bought vehicles, no.

8 Q. Do you recall how many cars were
9 sold by the dealership on a monthly basis?

10 A. I don't recall exactly, it's
11 been a few years.

12 Q. How about a range, let's start
13 from the busier months, how many cars would
14 Hillside Auto Outlet sell?

15 MR. KATAEV: Objection.

16 Asked and answered, but you
17 can answer the question.

18 A. I don't remember exactly, the
19 exact number.

20 Q. Do you recall what the store
21 hours were at Hillside Auto?

22 A. Not the specific times, no. It
23 has been a few years, I don't.

24 Q. Do you recall if the car
25 salespeople were working the same hours as

1 Andris Guzman

2 the store hours?

3 A. I do remember that everybody had
4 a schedule. But, I don't remember what the
5 schedule was because it's been a while. I
6 don't -- I don't remember the specifics.

7 Q. Were there times when the car
8 salespeople needed to stay past their
9 scheduled hours in order to complete a deal?

10 MR. KATAEV: Objection as
11 to relevance. You can
12 answer.

13 A. Can you repeat the question for
14 me? I just want to make sure that I
15 understand it correctly.

16 MS. TROY: Ms. Court
17 reporter, if you don't mind
18 reading back the last
19 question.

20 (The reporter read back the
21 last question)

22 A. Yes. You do not get to leave
23 before you complete the sale, I mean, the
24 sale has to get finished. Once the sale gets
25 finished, then you go home.

1 Andris Guzman

2 Q. When the customer comes in, what
3 is the process for them to obtain a vehicle?

4 A. Do you mean how the entire sales
5 process works? Just so that I have a better
6 understanding.

7 Q. Yes. The entire sales process,
8 and around how much time each step of the
9 process takes.

10 A. Everybody -- every individual
11 has different situations. That is the
12 reason that you can never measure how long
13 it's really going to take for each client.
14 But, considering their purchase and car is
15 the second biggest purchase after you buy a
16 house, there is a lot that is involved in
17 getting a vehicle.

18 Initially, the customer would have to
19 decide after they come into the store what
20 vehicle they want to purchase, and that
21 entails checking different options to see
22 what the people like or don't like. You
23 have to see if you have the inventory first,
24 you have to pick out a vehicle. Then, you
25 will get to the next step if they want to

1 Andris Guzman

2 buy the vehicle in cash or finance the
3 vehicle. That is another step that they
4 would have to do.

5 After that, they decide what vehicle
6 they want to take, the next step will be
7 assuming that they either want to buy the
8 vehicle for cash or finance the vehicle. If
9 they decide to go the finance route, then
10 they will have to complete an application, a
11 finance application. After the customer
12 completes the financing application, they
13 will have to provide all their information
14 that is required for us to complete a
15 vehicle purchase and to get them approved
16 with the bank. Of course, they have to go
17 through very different verifications for us
18 to be able to complete everything.

19 So, before we even check their
20 information, we have to verify the license,
21 the banks are requiring the pay stubs, most
22 of the time people don't even have a pay
23 stub with them. They will be told to get
24 their pay stubs for us even after they get a
25 pay stub, we will have to verify to see if

1 Andris Guzman

2 the pay stubs are legitimate. There is a
3 lot of fraud involved, and that is the
4 biggest concern right now that people having
5 different kinds of access and we don't know
6 what is real or not. There's a lot of
7 things that go into it when you come to
8 verify, to make sure that everything is
9 compliant.

10 Anything additional that the bank
11 requires, we will get all of that
12 information. And then, that gets inputted
13 into the system, which is the system that we
14 have so that we can get the approval with
15 the bank. That is when we actually go and
16 check the credit, we check the credit, and
17 we see if there are any additional
18 verifications. There are times that you are
19 going to see, you're going to see more
20 recently, that there are a lot of fraud
21 alerts and if there is a fraud alert, that
22 means that extra verification that we have
23 to do and put that in place.

24 The client will get calls from the bank
25 to make sure that they are the ones

1 Andris Guzman

2 requesting it, they are the one requesting
3 financing. It becomes tough when the
4 numbers from the credit does not match the
5 numbers that the customer is giving. If the
6 number is not the same, they will have to
7 update it in the bureaus, and then it's like
8 TransUnion and that can take 24 to 48 hours
9 to update it. Plus, they will be able to --
10 they will not be able to buy the vehicle on
11 the spot. They will have to wait, and if
12 the numbers do match, then the bank still
13 has to call and verify everything with them.
14 There are guidelines, and it's during --
15 even when the bank is closed, they won't be
16 able to buy the vehicle on the spot.

17 We do not control the process; we are
18 not the ones financing the money. Like I
19 said, there is a lot of variables that comes
20 in when you buy a vehicle. But, assuming
21 everything goes through and you are able to
22 run the credit, you are able to verify
23 everything, get all the documentation that
24 you need so that you can process the loan.
25 Then, you send everything to the bank and

1 Andris Guzman

2 wait for their approval. When the approval
3 comes in, then they will let us know if
4 there is any additional information that is
5 required.

6 Once we have the approval from the bank,
7 the customer is supposed to go to the office
8 to speak with the loan officer or the
9 finance manager. At that point, then the
10 finance manager will let them know the
11 numbers based on the vehicle that they have
12 picked. If by that point the customer
13 doesn't like the numbers, either if it's too
14 expensive or if they change their opinion,
15 they either have the option to chase the car
16 for a lower payment, they can either decide
17 that they don't want the vehicle anymore and
18 they could even actually walk out because it
19 is not guaranteed during the sale. It is
20 not guaranteed that the customer is even
21 going to take the vehicle home with them.

22 We haven't even discussed insurance, and
23 everything else that comes after the money.
24 Sometimes they don't even have the money,
25 and they have to wait for Friday to get the

1 Andris Guzman

2 money. They are not even able to get the
3 car and they have to wait longer for them to
4 be able to get the vehicle.

5 Those things, we don't control, people
6 have, whether people have the money or not,
7 or even if the car -- the credit, it's not
8 even for them to be able to get an auto
9 loan. They will have to get a co-signer.
10 If they are not able to produce the co-
11 signer the right way, meaning that there are
12 times when the co-signer is not available
13 today and they will come back to the
14 dealership on Friday or next week or next
15 month. We don't control those things.
16 After they decide that they want to get the
17 car, assuming everything went through the
18 bank, the approval, you look at the numbers
19 and you have to do the insurance.

20 You have to do the insurance, and that
21 is another step as well. They have to
22 appraise the car and see what the value of
23 the vehicle is and so forth.

24 Then, the DMV part, everything has to be
25 in compliance with the insurance of getting

1 Andris Guzman

2 all the proper documentation so that we can
3 do the registration of the vehicle. That is
4 also another step that you need in buying a
5 vehicle.

6 After everything gets done, then it's
7 printed and we have to put everything on
8 paper and the people have to sign the
9 contract.

10 The loan officer will go over all of the
11 information and make sure that the customer
12 understands all the numbers. After they
13 agree, they will sign the document and at
14 the end, they will take possession of the
15 car.

16 But, to answer your question, sometimes
17 it could take 3 hours, 4 hours, 6 hours or
18 days depending on the situation. We wish
19 the process was quicker, trust me. But, we
20 are in the business of selling cars and we
21 want to make money. We want to make sure
22 that everybody makes money at the end of the
23 day and we do not control and we cannot
24 guess or foresee who is going to come
25 through the door and what their situation

1 Andris Guzman

2 is.

3 Q. When you were working for
4 Hillside Auto, was Leticia the only female
5 car salesperson on the floor?

6 A. I don't recall.

7 Q. Are you familiar with the
8 Dealertrack system?

9 A. Yes.

10 Q. While you were the sales manager
11 and before your promotion to general sales
12 manager, did you run Dealertrack?

13 MR. KATAEV: Objection to
14 form. You can answer the
15 question.

16 A. What do you mean by ``running
17 Dealertrack?``

18 Q. Did you have access to
19 Dealertrack, did you run the credit for the
20 customers on the Dealertrack system?

21 A. If I had access to Dealertrack
22 at that point? Yes, I did have access to
23 Dealertrack.

24 Q. Did you run the credit for the
25 customers on the Dealertrack system?

1 Andris Guzman

2 A. When you mean ``running the
3 credit,`` do you mean checking the people's
4 information for the purpose of getting a
5 loan? Is that what you mean?

6 Q. Correct.

7 A. Yes.

8 Q. In other words, you had both
9 Dealertrack access, as well as you checked
10 the customer's information from the
11 beginning of your employment with Hillside
12 Auto, right?

13 A. I got employed as a manager.
14 So, as the manager, you get Dealertrack
15 access, correct.

16 Q. Let's walk back for a second.
17 Are you familiar with Hillside Auto Mall?

18 A. That is the store that is close
19 to ours, that is another store.

20 Q. During your time as the sales
21 manager, did Ishaque Thanwalla ever tell you
22 that Hillside Auto Outlet employees, that if
23 they had to get a car, that they should try
24 to have the customer choose a car at
25 Hillside Auto Mall if they did not find a

1 Andris Guzman

2 car that they liked at Hillside Auto Outlet?

3 MR. KATAEV: Objection to

4 the form. You can answer.

5 A. We used to sell cars from our
6 lot at Hillside Auto Outlet, and correct me
7 if I am wrong, but you are able to purchase
8 vehicles from other dealerships. Let's say
9 there is a car that a customer wants, and we
10 don't have the vehicle, we can buy the
11 vehicle from another dealership. It is
12 allowed by the Department of Motor Vehicles
13 as a dealership. The dealership can buy a
14 vehicle from different dealerships.

15 Q. What is your understanding of
16 the relationship between Hillside Auto
17 Outlet and Hillside Auto Mall?

18 A. My understanding is that maybe
19 there was a guy or two guys that they had in
20 common that owned the place.

21 Q. Due to that common ownership or
22 partial common ownership, as you called it,
23 is it correct to say that there is a
24 preference that if there is a car that a
25 customer cannot find on your lot at Hillside

1 Andris Guzman

2 Auto Outlet that you try to find it at
3 Hillside Auto Mall?

4 A. What I am saying is that we can
5 buy any vehicle from any established
6 dealership. That is allowed by the
7 Department of Motor Vehicles.

8 Q. Yes, please answer my question.
9 The question was: was there a preference to
10 Hillside Auto Mall, versus the other
11 dealerships close by?

12 A. We were able to get inventory
13 from other dealerships as long as they
14 provided us with the car. No preference,
15 ma'am.

16 Q. Between March and August of
17 2018, how many cars were sold per month at
18 Hillside Auto Outlet?

19 A. I don't recall.

20 Q. What about between September of
21 2018 and February of 2019, how many cars
22 were sold per month?

23 MR. KATAEV: Objection.

24 Asked and answered. You can
25 answer the question.

1 Andris Guzman

2 A. I don't recall.

3 Q. Are you familiar with Leticia
4 Stidhum?

5 A. Repeat the question.

6 MS. TROY: Ms. Court
7 reporter, if you don't mind
8 reading back the question.

9 (The reporter read back the
10 last question)

11 A. Familiar as if she used to work
12 at Hillside Auto Outlet?

13 Q. Right.

14 A. Yes, she used to work at
15 Hillside Auto.

16 Q. What is your opinion of her as a
17 car salesperson?

18 MR. KATAEV: Objection.

19 Calls for opinion testimony.

20 You can answer the question.

21 A. It has been a few years and I
22 don't remember all the details. But, I
23 think she was good.

24 Q. Who was the general sales
25 manager before you?

1 Andris Guzman

2 A. Her name is Jeanique.

3 Q. Before working at Hillside Auto
4 Outlet, did you work for Ishaque at another
5 dealership?

6 A. We worked together before, yes.

7 Q. From when to when?

8 MR. KATAEV: Objection.

9 You can answer the question.

10 A. It's been a few years. It could
11 have been between 8 months to 10 months.

12 Q. Do you recall what the name of
13 the dealership was that you worked with
14 Ishaque before Hillside?

15 A. Queens Auto Mall, we used to
16 work together.

17 Q. At that time, what was his
18 position at Queens Auto Mall?

19 A. I don't recall the exact title.

20 Q. Was he the owner or was he the
21 manager?

22 A. More towards the manager, but I
23 don't recall what his specific role that he
24 played there was. I don't know.

25 Q. How about yourself, what was

1 Andris Guzman

2 your role that you played there?

3 A. I used to do sales.

4 Q. Were you a sales manager or a
5 salesperson?

6 A. Salesperson, selling cars.

7 Q. At the time when you were hired,
8 was there a bonus structure in place for the
9 Hillside Auto Outlet employees?

10 A. I didn't handle the money part.

11 Q. Who handled the money part at
12 Hillside?

13 A. General manager.

14 Q. Who was the general manager?

15 A. Ishaque.

16 Q. Who hired you as the sales
17 manager?

18 A. Ishaque.

19 Q. As the sales manager, did you
20 have the power to hire employees?

21 A. The general manager was in
22 charge of hiring employees.

23 Q. Did you have the power to fire?

24 A. The general manager had the
25 power to fire.

1 Andris Guzman

2 Q. Did you have the power to
3 discipline employees?

4 A. General manager had the power to
5 discipline employees.

6 Q. As the sales manager, did you
7 ever hire anyone?

8 A. No.

9 Q. How about firing anyone?

10 A. No.

11 Q. How about disciplining anyone?

12 A. No.

13 Q. While you were the sales
14 manager, did the salespeople have a fixed
15 break time?

16 MR. KATAEV: Objection as
17 to relevance. You can
18 answer.

19 A. I don't recall when their break
20 was or what specific times they were -- it's
21 been a few years.

22 Q. At the time, how were employees
23 times tracked?

24 MR. KATAEV: Objection as
25 to relevance. You can

1 Andris Guzman

2 answer.

3 A. I don't remember the exact
4 mechanics of it.

5 Q. Earlier, you mentioned that you
6 may have had texts with Jory Baron. To your
7 knowledge, what was his role at Hillside?

8 MR. KATAEV: Objection to
9 form and assuming facts not
10 in evidence. You can answer.

11 A. Jory Baron, you mentioned, is
12 that right?

13 Q. Yes.

14 A. To my belief, he was one of the
15 owners at Hillside Auto Outlet.

16 Q. How did you know that he was one
17 of the owners?

18 A. I believe he did introduce
19 himself back in the day.

20 Q. He introduced himself as the
21 owner; is that correct?

22 A. I don't recall him specifically
23 directing that he was one of the owners. But
24 I was able to, somewhere along the line, he
25 mentioned that he was the owner. I don't

1 Andris Guzman

2 remember if he told me that directly or not.

3 Q. To your knowledge, did Jory
4 Baron have the power to hire employees?

5 A. Ishaque was the general manager
6 of the store. So, I believe Ishaque is the
7 person that has the power of hiring
8 employees.

9 Q. Does Jory, also have the power
10 in addition to Ishaque?

11 A. Ishaque was the person in charge
12 of the dealership.

13 Q. Does Jory also have the power in
14 addition to Ishaque?

15 A. Ishaque was the person in charge
16 of the dealership. Meaning if someone had
17 to get hired, they had to go to Ishaque.

18 Q. My question is: did Jory Baron
19 also have the power to hire?

20 MR. KATAEV: Objection.

21 Asked and answered. You can
22 answer.

23 A. What was the question, if Jory
24 had the power to hire somebody?

25 Q. Yes.

1 Andris Guzman

2 A. He was one of the owners.

3 Q. Is that a ``yes?``

4 A. I believe he can, but I believe
5 Ishaque was the person in charge of the
6 dealership.

7 Q. How about the power to fire
8 employees, did he also have the power to
9 fire employees?

10 MR. KATAEV: Objection.

11 You can answer.

12 A. Like I keep mentioning, Ishaque
13 was the person that was running the
14 dealership, and to my knowledge, Jory was
15 one of the owners. But the person that was
16 in charge was Ishaque.

17 Q. Do you believe he could fire
18 employees, Jory?

19 A. He was one of the owners.

20 MR. KATAEV: Objection.

21 A. He was one of the owners and has
22 the power to do so.

23 Q. Do you know Deana Jennings, and
24 if so, how are you familiar with her?

25 A. She was --- she worked at

1 Andris Guzman

2 Hillside Auto Outlet.

3 Q. Do you recall when she stopped
4 working for Hillside?

5 A. I don't recall.

6 Q. Did she stop working at Hillside
7 Auto Outlet before you left Hillside or
8 after you left Hillside?

9 A. I don't recall the timeframe
10 either.

11 Q. Do you recall what her position
12 was?

13 A. I believe, if I'm not mistaken,
14 controller.

15 Q. As the controller, what were her
16 responsibilities?

17 A. I am not familiar with the term
18 of responsibilities.

19 Q. Did you have any interaction
20 with her while you were the sales manager
21 and general sales manager at Hillside?

22 A. Very few times we spoke, job-
23 related.

24 Q. Was she at Hillside Auto Outlet
25 on a day-to-day basis?

1 Andris Guzman

2 MR. KATAEV: Objection.

3 Vague, you can answer.

4 A. I don't recall.

5 Q. Did she work for both Hillside
6 Auto Outlet and Hillside Auto Mall at the
7 same time?

8 A. I don't have that information
9 and I'm not able to answer that.

10 Q. When is your birthday?

11 A. My birthday?

12 Q. Yes.

13 A. You want the day, year, and
14 month, everything?

15 Q. Correct.

16 A. 07, which is July 25th, 1993.

17 Q. Are you familiar with David
18 Baron?

19 A. He was -- yes, yes.

20 Q. How are you familiar with him?

21 A. David Baron, he used to be one
22 of the owners.

23 Q. How about Josh Aaronson?

24 A. Josh Aaronson was one of the
25 owners as well.

1 Andris Guzman

2 Q. To your knowledge, did David
3 Baron have the power to hire employees?

4 A. I wasn't the person in charge of
5 the dealership when he came to operations,
6 he would be the person to hire that would
7 determine those positions.

8 Q. But, David Baron who passed
9 away, did he have the power to hire and fire
10 employees?

11 A. They were one of the owners, you
12 mean?

13 Q. I mean, how about Josh Aaronson,
14 is your answer the same which is that as one
15 of the owners he had the power to hire and
16 fire employees?

17 MR. KATAEV: Objection to
18 the form.

19 A. He was one of the owners also.

20 Q. Is that a yes?

21 MR. KATAEV: Objection.

22 You can answer.

23 A. Yes, yes.

24 Q. With regard to my previous
25 question about David Baron, is your answer

1 Andris Guzman

2 that he did have the power to hire and fire
3 employees, is that also a yes?

4 MR. KATAEV: Same
5 objection. You can answer.

6 A. Yes, he was one of the owners.

7 Q. While you were working at
8 Hillside, were you frequently at the podium?

9 A. At the podium? When you say
10 ``podium,`` is at the podium stage, that you
11 mean which is within the location at the
12 dealership?

13 Q. Yes.

14 A. Yes, yes. I am familiar with
15 the podium.

16 Q. During your time working at
17 Hillside, have you ever seen Ishaque provide
18 his Dealertrack password to Leticia?

19 A. No.

20 Q. Have you ever seen Ishaque train
21 Leticia personally on the Dealertrack
22 system?

23 A. Repeat that again. What was the
24 question?

25 MS. TROY: Ms. Court

1 Andris Guzman

2 reporter, if you don't mind
3 reading back the last
4 question.

5 (The reporter read back the
6 last question)

7 A. No.

8 Q. At any time, have you seen
9 Leticia use the Dealertrack system to help
10 run the credit for Hillside Auto customers?

11 A. No.

12 Q. Were there any other posters at
13 Hillside Auto?

14 A. What posters, what do you mean
15 by ``posters?``

16 Q. For instance, are there any
17 posters about the minimum wage?

18 A. Sure. I mean every business has
19 it, it's supposed to have a poster of
20 minimum wage. I don't remember where it
21 was, but I am pretty sure yes, we did.

22 Q. What type of posters are at the
23 store?

24 A. I don't know right now. I've
25 been out of the store a few years, so I

1 Andris Guzman

2 don't know.

3 Q. Do you currently work for any of
4 the individually named defendants?

5 A. If I work for any of them?

6 Right?

7 Q. Yes.

8 A. No.

9 Q. To your knowledge, did Hillside
10 Auto have any written policies regarding
11 discrimination?

12 A. At that time I believe we did.

13 Q. What was that policy?

14 A. That discrimination is not
15 allowed.

16 Q. Do you recall when Ishaque
17 traveled from the United States to Pakistan
18 in 2018?

19 A. I don't have the exact dates.

20 Q. Do you recall if Ishaque
21 continued to work at Hillside Auto, or did
22 he take a break before leaving to Pakistan
23 from the United States?

24 A. I'm sorry. What was that?

25 When?

1 Andris Guzman

2 Q. In 2018.

3 A. (No response)

4 MR. KATAEV: Let the
5 record reflect, and that
6 probably was not heard, but
7 the witness said ``I don't
8 understand the question.``

9 Q. Without revealing the contents
10 of the communications with your attorney,
11 for how long did you speak with your
12 attorney in preparation for today's
13 deposition?

14 MR. KATAEV: Asked and
15 answered. You can answer the
16 question. Objection to that.

17 A. We met a few days ago.

18 Q. The question is: for how much
19 time?

20 A. I don't have any specific time.
21 I mean, it could have been 30 minutes, 1
22 hour or 2 hours. I don't have the specific
23 time.

24 Q. Have you ever interviewed any
25 prospective employees at Hillside Auto?

1 Andris Guzman

2 A. Not that I recall, I was not in
3 charge of hiring employees. I was not the
4 general manager.

5 Q. Are you familiar with a DMV
6 clerk named Lily?

7 MR. KATAEV: Objection to
8 relevance. You can answer.

9 A. I can't recall. It's been a few
10 years.

11 Q. Do you recall in 2018 that the
12 DMV clerk Lily left Hillside Auto because
13 she was pregnant?

14 A. I don't recall.

15 Q. Do you recall Ishaque
16 disciplining Lily who was pregnant at the
17 time?

18 A. I don't recall.

19 MR. KATAEV: Objection as
20 to relevance to this entire
21 line of questioning. You can
22 answer. You already
23 answered.

24 Q. Do you recall Lily's last name?

25 A. I don't recall her last name.

1 Andris Guzman

2 MR. KATAEV: The witness
3 just told me that he needs to
4 use the restroom.

5 MS. TROY: Sure. Is 10
6 minutes good for you?

7 THE WITNESS: Yes. Just
8 to use the bathroom.

9 MS. TROY: We can come
10 back at 12:20 and you guys
11 can also move to the
12 conference room.

13 MR. KATAEV: Thank you.
14 (A recess was taken from
15 12:00 until 12:10 p.m.)

16 MS. TROY: Ms. Court
17 reporter, can you read back
18 the last question.

19 (The reporter read back the
20 last question)

21 MR. KATAEV: Are you
22 ready?

23 THE WITNESS: Yes, I am
24 ready.

25 Q. Do you recall a robbery that

1 Andris Guzman

2 took place at Hillside Auto?

3 A. I don't recall right now.

4 Q. What was Leticia Stidhum's
5 position, was it a salesperson?

6 MR. KATAEV: Objection to
7 the form. You can answer.

8 A. Yes.

9 Q. What were her responsibilities
10 as a car salesperson?

11 A. The responsibility is to sell
12 cars.

13 Q. Was she ever promised a sales
14 manager position?

15 A. I have no information of that.

16 Q. What was the relationship
17 between Ishaque and Leticia?

18 A. What do you mean by
19 ``relationship?``

20 Q. Can you describe their working
21 relationship.

22 A. Ishaque was the supervisor,
23 meaning the manager, the person in charge,
24 and she was an employee.

25 Q. Did Ishaque ever call Leticia

1 Andris Guzman

2 his ``daughter?''

3 A. I don't recall the specifics of
4 that.

5 Q. Do you recall why you left
6 Hillside?

7 A. Pursuing better employment
8 opportunities.

9 Q. Do you recall how much car
10 salespeople were paid?

11 A. No. I was not in charge of the
12 money.

13 Q. Were they paid a wage along with
14 some amount of commission?

15 A. I don't recall their payment
16 structure.

17 Q. While you were working at
18 Hillside Auto, was there a board where the
19 car salespeople would tally the number of
20 cars that they sold for the month?

21 A. I don't recall.

22 Q. How did Hillside Auto verify the
23 pay for the car salespeople?

24 A. I don't remember the specifics
25 right now.

1 Andris Guzman

2 Q. Do you recall how many cars
3 Leticia sold?

4 A. I don't recall how many cars she
5 sold.

6 Q. Did you run the credit for
7 customers back at Queens Auto Mall as well?

8 A. No.

9 Q. You began running the credit for
10 the cars, the customers at Hillside Auto; is
11 that correct?

12 A. When you say run the credit,
13 that means managers having access?

14 Q. Did --

15 A. (Continuing) The managers were
16 the ones that could check people's
17 information and profile.

18 Q. You are talking about managers
19 who can check people's information and
20 profile. Who were those people at Hillside
21 Auto while you were working there?

22 A. Are you asking who were the
23 managers back then when I used to work, is
24 that the question?

25 Q. Yes, let's start from there,

1 Andris Guzman

2 yes.

3 A. I remember it was me, there was
4 Ishaque, there was Serge, there was
5 Jeanique. I don't recall anyone else after
6 that.

7 Q. Did each of them actually check
8 the customer's information and profile on a
9 day-to-day basis?

10 A. What I remember is that
11 everybody had access to do so.

12 Q. How often would you use the
13 Dealertrack system to check customer's
14 information and profiles?

15 A. How often?

16 Q. Correct.

17 A. That was part of the job, it was
18 daily. It was Dealertrack, it was actually
19 what got used daily, meaning in the
20 dealership.

21 Q. Did Ishaque use Dealertrack
22 daily?

23 A. Every manager used Dealertrack
24 daily.

25 Q. Did Serge use Dealertrack daily?

1 Andris Guzman

2 A. Every manager used Dealertrack
3 daily, yes.

4 Q. What about Jeanique as well,
5 before she left, correct?

6 A. Correct.

7 Q. At Hillside Auto, were car
8 salespeople given performance evaluations?

9 A. I don't understand the question.

10 Q. Were there performance
11 evaluations given to Hillside Auto car
12 salespeople?

13 A. I don't recall right now the
14 specifics.

15 Q. But, to your knowledge, were
16 they ever given?

17 A. I don't remember a specific time
18 at this moment.

19 Q. Do you recall if Leticia was a
20 top salesperson at the time?

21 MR. KATAEV: Objection.

22 Asked and answered. You can
23 answer the question.

24 A. I remember she was good, but I
25 just don't recall the specific numbers.

1 Andris Guzman

2 Q. Do you recall why Leticia
3 Stidhum left Hillside Auto?

4 A. I don't know the specifics of
5 why she left the company.

6 Q. At the time when she left
7 Hillside Auto, was she pregnant?

8 A. I have no knowledge that she was
9 pregnant. I don't recall.

10 Q. Did she ever bring a sonogram of
11 her pregnancy to the dealership?

12 A. I don't recall ever seeing a
13 sonogram.

14 Q. Did she ever tell you that she
15 was pregnant?

16 A. I don't remember being told that
17 she was pregnant.

18 Q. Are you familiar with VIN
19 Solutions?

20 A. That is the tool for customer
21 information, yes.

22 Q. To your knowledge, does VIN
23 Solutions underreport the number of cars
24 that were sold at Hillside Auto?

25 MR. KATAEV: Objection to

1 Andris Guzman

2 the form. You can answer.

3 A. What was the question?

4 MS. TROY: Ms. Court

5 reporter, if you don't mind

6 reading back the question to

7 the witness.

8 (The reporter read back the

9 last question)

10 MR. KATAEV: Objection.

11 Assumes facts not in

12 evidence, but you can answer.

13 A. VIN Solutions, to my knowledge

14 does report customer information, and you

15 will have some record of people that bought

16 vehicles. On how accurate it is, I'm not

17 sure. I haven't used VIN Solutions in

18 years.

19 Q. To your knowledge, does VIN

20 Solutions automatically mark leads as ``lost``

21 after a certain period of time?

22 A. I don't recall. I haven't used

23 VIN Solutions in years.

24 Q. On the sales floor itself while

25 you were working as a general sales manager,

1 Andris Guzman

2 was it typically you and Ishaque who put in
3 the customer information into Dealertrack?

4 A. Do you mean for us to get the
5 customer information and submit it to the
6 bank?

7 Q. Right.

8 A. Yes.

9 Q. Go ahead. Finish.

10 A. What I'm saying is the
11 Dealertrack was a manager tool. So,
12 whatever information that was needed to do
13 the deal, Dealertrack is the salesperson --
14 that will be in that information.

15 Q. After the salespeople brought
16 the information back, who would enter it
17 into Dealertrack?

18 A. The managers (indicating) we did
19 come at that time.

20 Q. Who would be the people who
21 would enter it into Dealertrack?

22 A. I was one of them or any of the
23 managers, they had access to do so.

24 Q. Typically, was it you and
25 Ishaque?

1 Andris Guzman

2 A. I would be involved in it a lot
3 of time, correct, yes.

4 Q. Would Ishaque sometimes use the
5 Dealertrack to enter the information brought
6 back by the car salespeople as well?

7 A. He had the access to do it.

8 Q. Did he use the Dealertrack
9 because he had access to it?

10 A. Yes. He used Dealertrack, he
11 was the person in charge, and as the person
12 in charge, you have access to everything,
13 every tool to do everything.

14 Q. Do you recall changing the
15 password to Dealertrack when Ishaque went
16 back to Pakistan in 2018?

17 A. I don't recall. Also, I just
18 want to add, I didn't even have that access,
19 you cannot just change people's passwords.

20 MS. TROY: Let's take a
21 half an hour break and we
22 will come back at 1:10.

23 MR. KATAEV: We're going
24 to be going out for lunch,
25 and it probably will take 45

1 Andris Guzman

2 minutes. I'm not sure if we
3 will make it back on time.

4 MS. TROY: That is fine.

5 So, 1:20 or 1:25 is fine.

6 (A recess was taken from
7 12:40 p.m. until 1:24 p.m.)

8 Q. To your knowledge, did Leticia
9 help with the license plates, meaning once
10 the customer got the car there was a license
11 plate registration?

12 A. In what regard, because part of
13 the sales process is getting -- what's the
14 meaning of getting the plates? It has to be
15 done by the Department of Motor Vehicles.
16 There was a process that the salesperson was
17 supposed to do to make sure that their
18 customer got plates.

19 Q. Do you remember the process?

20 A. Not only I, Leticia, everybody
21 was part of the sales process.

22 Q. What was the sales manager's
23 role in that process for the license plates?

24 A. Repeat the question.

25 Q. You just described what the job

1 Andris Guzman

2 responsibilities are for the salesperson in
3 obtaining the license plates.

4 My question for you is: what is the
5 sales manager's responsibility for that
6 portion?

7 A. We just make sure that the
8 vehicles get registered. One of the things
9 gets issued by the Motor Vehicles, of
10 course.

11 Q. Is there a division of labor
12 between the car salespeople and the sales
13 manager with respect to the registration of
14 the license plate with the DMV?

15 A. I am not understanding your
16 question.

17 Q. What are the responsibilities of
18 the car salespeople versus the sales manager
19 for the license plate registration with the
20 Department of Motor Vehicles?

21 A. Collectively, we make sure that
22 we get all of the information that is
23 required so that the customer can be able to
24 purchase the vehicle, I registered the
25 vehicle that they are purchasing.

1 Andris Guzman

2 Q. What would the sales managers do
3 that the car salespeople did not do with
4 regard to the car registration process?

5 A. We would make sure that the
6 process is being done.

7 Q. Are you familiar with Auto
8 Funds?

9 A. Auto Funds is -- yes, I have
10 used Auto Funds before. I have used Auto
11 Funds before but it's been a few years.

12 Q. To your knowledge, what is Auto
13 Funds?

14 A. Auto Funds is related to the
15 website. It's a management tool for the
16 website, to my knowledge, of course. I am
17 not too familiar with it; I haven't used it
18 in years.

19 Q. Who has access to Auto Funds at
20 Hillside Auto?

21 A. I don't recall to what extent we
22 did use it, I don't remember the details.

23 Q. Do you recall if Leticia had
24 access to Auto Funds?

25 A. I don't recall.

1 Andris Guzman

2 Q. Besides texting with Leticia,
3 have you ever emailed her while you were
4 working as the sales manager or the general
5 sales manager at Hillside Auto?

6 A. I don't recall.

7 Q. Have you ever called her or has
8 she ever called you?

9 A. I don't recall any specific
10 conversations. I mean, we might have spoken
11 about work-related duties during the working
12 hours. But, I don't remember the specifics
13 of that.

14 MS. TROY: Demand Number
15 18 will be for the text
16 messages and emails and any
17 other written communications
18 between Andris Guzman and
19 Leticia Stidhum.

20 Demand Number 18 and the
21 period is May of 2018 through
22 January of 2019.

23 Demand Number 18 will be
24 for the call log of Andris
25 Guzman, and specifically the

1 Andris Guzman

2 time would be again May of
3 2018 to January of 2019.

4 I'm asking for all of the
5 information other than the
6 calls placed to plaintiff,
7 the named defendants, the
8 named defendants and the
9 corporate representatives of
10 the corporate defendants can
11 be redacted. With respect to
12 the individual defendants as
13 well as the corporate
14 representatives, all
15 information prior to December
16 of 2018 can also be redacted.

17 Demand number 19 would be
18 the text messages and email
19 communications between Andris
20 Guzman and any of the named
21 defendants, which includes
22 the corporate representatives
23 of the corporate defendants,
24 and it would be text messages
25 specifically by Leticia

1 Andris Guzman

2 Stidhum on or about the terms
3 that were included in the
4 original document production
5 responses. Certainly,
6 pregnancy discrimination-
7 related text messages.

8 MR. KATAEV: Please
9 follow-up in writing. Thank
10 you.

11 Q. Mr. Guzman, during this
12 deposition, did you look at any notes or
13 papers to assist you in responding to any of
14 my questions?

15 A. No.

16 Q. During this deposition, except
17 during on break, did you communicate with
18 your attorney via text message or any other
19 means?

20 A. I don't have my phone with me.

21 Q. While you were answering
22 questions, from time to time you would look
23 away from the screen; what were you looking
24 at?

25 MR. KATAEV: Objection.

1 Andris Guzman

2 You can answer the question.

3 A. Nothing specifically.

4 Q. During such time, were you
5 looking at any notes or any other written
6 text messages?

7 A. No.

8 Q. Do you agree that during the
9 remainder of this deposition, except for the
10 documents that I'll be showing you on the
11 screen, that you will not be reviewing any
12 notes?

13 A. Reviewing any notes? No. I
14 wouldn't, I'm not reviewing any notes
15 whatsoever.

16 MS. TROY: Ms. Court
17 reporter, let's mark the next
18 exhibit, which should be
19 Plaintiff's Exhibit 16.
20 Let's also mark Plaintiff 17
21 and Plaintiff's 18. Number
22 18 will be the text messages
23 between Andris Guzman and
24 Leticia Stidhum. It is
25 Defendants 1908 to 1961.

1 Andris Guzman

2 (Plaintiff's Exhibit 17 and
3 18 marked for
4 identification.)

5 Q. Mr. Guzman, do you recognize
6 what I am showing you on this screen right
7 now?

8 A. Yes.

9 Q. What do you recognize this to
10 be?

11 A. These are conversations through
12 text.

13 Q. You mentioned earlier that you
14 were looking at some messages. Were these
15 included in the text messages that you
16 reviewed?

17 A. Yes.

18 Q. To your knowledge, is it true
19 and accurate?

20 A. What part?

21 Q. Let's start from is this a true
22 and accurate representation of the text
23 messages that you have on your phone between
24 yourself and Leticia?

25 A. Based on what I see on the

1 Andris Guzman

2 portion that I am being shown right now,
3 yes. I am not able to see everything, so
4 I'm not able to answer.

5 Q. Is this the first time that you
6 are seeing the text messages in the version
7 that I am showing you on the screen; in
8 other words as an extracted Decipher app?

9 A. You are showing it to me in PDF,
10 if I'm not mistaken?

11 A. Right. The question is from the
12 phone, it's going to look differently. So,
13 my question is: have you ever seen this PDF
14 format before?

15 A. Not that I remember.

16 Q. There are 13 pages to the text
17 message and I'm going to scroll down. I'm
18 asking you to just take a look at it and let
19 me know after reviewing those 13 pages if it
20 is a full and accurate representation of the
21 text messages that you had between yourself
22 and Leticia Stidhum?

23 A. Okay.

24 (The witness peruses)

25 MS. TROY: Let's go off

1 Andris Guzman

2 the record.

3 (A discussion was held off
4 the record)

5 MS. TROY: I am showing
6 the witness pages 1 through
7 13 and I'm going to flip
8 through them.

9 Let the record reflect
10 that it is the first 13 pages
11 of this first exhibit Bates
12 stamped D1708 through 2910
13 and I am showing it to the
14 witness right now to review.

15 (The witness peruses)

16 Q. Mr. Guzman, can you just review
17 those 13 pages and when you are done let me
18 know.

19 I'm just asking you, yes or no, does
20 this accurately reflect the text messages
21 between you and Leticia on your phone.

22 A. (The witness peruses)

23 Yes. This reflects the information on the
24 text messages.

25 Q. Now, I am going to turn your

1 Andris Guzman
2 attention to page 3 of Plaintiff's Exhibit
3 18 which is also marked as defendant's
4 document production D1910.

5 A. Yes.

6 Q. I'm going to draw your attention
7 to the text message with the date and time
8 of July 19th, 2018 at 11:39 a.m.

9 A. Yes.

10 Q. Does this refresh your
11 recollection about whether Leticia Stidhum
12 had access to Auto Funds?

13 A. I'm not sure if she had access.
14 I know that I never gave anyone access to
15 the management tools.

16 Q. To your knowledge, did she ever
17 have access or obtain access to Auto Funds
18 from you?

19 A. Not from me.

20 Q. How about anyone else?

21 A. I wouldn't know.

22 Q. I'm going to now direct your
23 attention to page 5 which was also marked as
24 defendant's document production D1912.
25 Specifically, the date and time is December

1 Andris Guzman

2 23rd of 2018 at 2:35 p.m. That was the last
3 message on the page.

4 A. Yes.

5 Q. It says ``do you want me to run
6 the credit while you finish up my question
7 for you?'' Does it refresh your recollection
8 about whether Leticia ever had access to
9 Dealertrack?

10 A. I never gave Leticia access to
11 Dealertrack. I would not give -- I did not
12 have the authority to give any management
13 tools to salespersons, to salespeople.

14 Q. Isn't it true that Leticia
15 would've had to have access to Dealertrack
16 in order to run the credit of the customer?

17 A. Run the credit of the customer
18 was part of the sales process of purchasing
19 the vehicle. Only managers were supposed to
20 have access to Dealertrack.

21 Q. Is it true that only the
22 managers are supposed to run the credit of
23 the customers through the Dealertrack
24 software?

25 A. Correct, managers.

1 Andris Guzman

2 Q. Isn't it true that at least for
3 some time while you were working at Hillside
4 Auto Outlet that Leticia was given that
5 ability to run the credit on the Dealertrack
6 software?

7 MR. KATAEV: Objection.

8 Asked and answered. You can
9 answer it again.

10 A. I never gave Leticia access to
11 Dealertrack.

12 Q. Right, but please focus on my
13 question. My question is not if you gave
14 Leticia access to Dealertrack personally.
15 My question is if she would've had access to
16 the Dealertrack system, if she had to have
17 access to the DealerTrack system to run the
18 credit of the customer.

19 A. Not to my knowledge.

20 Q. At any point, were you part of
21 the announcement that Leticia gave at
22 Hillside Auto announcing her pregnancy on
23 the sales floor?

24 MR. KATAEV: Objection.

25 Asked and answered, you can

1 Andris Guzman

2 answer it again.

3 A. Can you repeat the question?

4 MS. TROY: Ms. Court

5 reporter, can you read back

6 the last question.

7 (The reporter read back the

8 last question)

9 A. I don't recall. I never recall
10 ever hearing that she was pregnant.

11 Q. When did you first find out that
12 Leticia was pregnant?

13 MR. KATAEV: Objection.

14 Asked and answered. You can

15 answer the question.

16 A. I never got a confirmation that
17 she was pregnant.

18 Q. When you say that you ``never got
19 the confirmation,`` what does that mean?

20 A. You are saying while she was at
21 work, if I ever found out that she was
22 pregnant? Was that the question?

23 Q. Let's start from there, correct.

24 A. That's what I'm saying, I never
25 got that information that she was pregnant.

1 Andris Guzman

2 Q. In other words, during your time
3 at Hillside Auto Outlet you never knew that
4 she was pregnant?

5 A. Correct, I did not get that
6 information. If anything, if I would -- it
7 wouldn't have made a difference, I would've
8 given her the same -- I would've given her
9 the same treatment.

10 MR. KATAEV: When the
11 court reporter asks you to
12 repeat it, she wants just the
13 exact words, not an
14 explanation.

15 Q. What would you describe your
16 treatment of Leticia Stidhum to be?

17 A. Like everybody else, fair.

18 Q. Was there ever a time when you
19 prioritized the other car salespeople's
20 information in terms of the financial
21 information to input it into the Dealertrack
22 system over Leticia's customers?

23 A. I have always been fair when it
24 comes to distribution and how I approach the
25 customer. It is first come, first serve

1 Andris Guzman

2 basis, no preference.

3 Q. Was there ever a time when you
4 prioritized other car salespeople's
5 customers over Leticia's?

6 A. No.

7 MR. KATAEV: Objection.

8 Asked and answered on that
9 one.

10 Q. Was there ever a time when you
11 or Leticia were disciplined by Ishaque?

12 A. Not that I recall.

13 Q. Was there ever a time when
14 Leticia Stidhum's customers would walk out
15 as a result of a long wait time?

16 A. I don't recall.

17 Q. Do you recall if Leticia sold
18 less cars in December and January as a
19 result of the longer wait time?

20 A. I don't recall the specific
21 numbers. But, in this line of work, I'm
22 going to add something, in terms of
23 performance, in this line of work --

24 MS. TROY: Let's just
25 focus on my question, please.

1 Andris Guzman

2 Q. My question is: between December
3 of 2018 and January of 2019, yes or no, did
4 Leticia Stidhum sell less cars?

5 A. I don't recall, because people
6 do not sell the same amount of cars every
7 month. Everything is subject to change such
8 as the holidays, the slower and faster
9 seasons, not everybody sells the same amount
10 of cars every month with the same numbers.

11 Q. Between December of 2018 and
12 January of 2019, did Ms. Stidhum, Leticia
13 Stidhum constantly call your attention to
14 how long the customers would need to wait?

15 A. I don't recall, but it was a
16 known fact that everybody had to wait
17 because there is a long waiting process to
18 purchase a vehicle.

19 Q. At the time, did the car
20 salespeople include David Manrique, David
21 Parsons and Sean or Shane?

22 A. I remember those names, they did
23 work at Hillside Auto.

24 Q. Were you ever disciplined by
25 Hillside Auto Outlet?

1 Andris Guzman

2 A. I was never disciplined, no. I
3 don't recall, but I used to do my job the
4 right way. So, I did not.

5 Q. As part of this litigation
6 process your attorney provided some
7 responses. We're going to go over some of
8 those responses.

9 Before I do that, I just have a couple
10 of questions for you. Number 1, did you
11 review the responses to the Interrogatories,
12 both the original and the supplemental
13 Interrogatories before you signed?

14 A. Yes, I believe I reviewed them
15 with Deana.

16 Q. When did you review them with
17 Deana?

18 A. I don't remember the first time.

19 Q. Was it this year?

20 MR. KATAEV: Objection.

21 Asked and answered. You can
22 answer the question.

23 A. Sometime last year and I don't
24 remember the specific time. I would be
25 lying to you, I don't remember.

1 Andris Guzman

2 Q. To your knowledge, is everything
3 in the Interrogatories and supplemental
4 Interrogatories correct?

5 A. In the litigation documents, if
6 the answers that were provided -- if the
7 answers are correct, is that the question?

8 Q. Yes.

9 A. Based on my knowledge, what I
10 reviewed, the answers are correct on the
11 litigation.

12 Q. Do you have any knowledge about
13 the ownership shares of Hillside Auto Outlet
14 and Hillside Auto Mall?

15 A. Yes, it was included in the
16 documents.

17 Q. What is your basis of that
18 knowledge?

19 MR. KATAEV: Objection to
20 the form. You can answer.

21 A. The basis of the knowledge is
22 when the documents were shown to me, it had
23 information related to who were the owners
24 of the company.

25 Q. In other words, did you review

1 Andris Guzman
2 additional documents to ascertain the
3 responses that were given, if they were true
4 and accurate?

5 A. Can you repeat that again?

6 MS. TROY: Ms. Court
7 reporter, can you read back
8 the last question.

9 (The reporter read back the
10 last question)

11 A. If I reviewed any additional
12 documents to make sure that it was accurate,
13 is that your question?

14 Q. Yes.

15 A. There was a lot of documents
16 that I saw, but I am not too specific. I am
17 not too sure of the documents that you might
18 be looking for. I don't know.

19 MS. TROY: Let's mark Plaintiffs 19.

20 (Plaintiffs Exhibit 19 marked
21 for identification)

22 Q. Mr. Guzman, do you recognize
23 this signature as yours?

24 A. Yes.

25 Q. As part of the responses that

1 Andris Guzman

2 were provided, there were additional
3 responses called ``responses to document
4 production requests,`` as well as
5 supplemental responses to document
6 production requests. Did you review those
7 documents as well?

8 A. Yes.

9 Q. Did you review the documents
10 produced as part of the responses to the
11 document production requests?

12 MR. KATAEV: Objection.

13 You can answer the question.

14 A. If I reviewed the documents? I
15 reviewed some documents, yes.

16 Q. As part of the documents that
17 you reviewed, did they include any pay stubs
18 of the plaintiff?

19 A. Pay stubs?

20 Q. Correct.

21 A. I don't recall seeing pay stubs.

22 Q. Do you remember seeing records
23 on a month-to-month basis of the dealerships
24 aggregate number of cars sold as part of the
25 documents?

1 Andris Guzman

2 A. I don't understand your
3 question.

4 Q. So, do you recall that there was
5 a document produced, and my question is: do
6 you recall seeing the aggregate number of
7 cars sold on a monthly basis as part of the
8 documents that were produced; it's a yes or
9 no question?

10 A. No, I don't recall seeing that.

11 Q. How about the VIN Solutions
12 records, meaning the internal records kept
13 by the Business Development Center as well
14 as entered in by the car salespeople with
15 respect to the cars sold at Hillside Auto
16 Outlet; do you recall seeing those
17 documents?

18 A. Not a specific document.

19 Q. Do you recall if Ms. Stidhum was
20 owed any wages at the time when she left
21 Hillside Auto?

22 A. I didn't control payments or the
23 money.

24 MS. TROY: Mr. Guzman,
25 thank you very much for your

1 Andris Guzman

2 time. This deposition stands

3 adjourned.

4 [Time noted: 2:02 p.m.]

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WITNESS	EXAMINATION BY	PAGE
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PLAINTIFF EXHIBITS		
Number	Description	PAGE
Ex 16	Photo I.D.	6
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Ex 18	Document Production D1910	101
Ex 19	Verification- Guzman	110

REQUESTS

Number	Description	PAGE
18	Demand No. 18 is:	94

MS. TROY: For the call log of Andris Guzman, and specifically the time would be again May of 2018 to January of 2019. I'm asking for all of the information other than the calls placed to plaintiff, the named defendants, the named defendants and the corporate representatives of the corporate defendants can be redacted. With respect to the individual defendants as well as the corporate representatives, all information prior to December of 2018 can also be redacted.

19	Demand No. 19 is:	95
MS. TROY: The text messages and email communications		

1
2 between Andris Guzman
3 and any of the named
4 defendants, which includes
5 the corporate representatives
6 of the corporate defendants,
7 and it would be text messages
8 specifically by Leticia Stidhum
9 on or about the terms that were
10 included in the original
11 document production responses.
12 Certainly, pregnancy
13 discrimination-related
14 text messages.
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QUESTIONS MARKED FOR A RULING: PAGE/LINE

(None)

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ACKNOWLEDGMENT

STATE OF NEW YORK)

)s.s.

QUEENS COUNTY)

I, ANDRIS GUZMAN, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition
of March 09, 2023; that the transcript is a
true, complete and correct record of my
testimony, and that the answers on the
record as given by me are true and correct.

ANDRIS GUZMAN

Signed and subscribed before me
this ____ day of _____, 2023.

Notary Public

C E R T I F I C A T E

STATE OF NEW YORK)
)s.s.
COUNTY OF NASSAU)

I, LYNN LUCKMAN, a Shorthand
Reporter and Notary Public within and for
the State of New York, do certify that;

THAT the witness whose deposition
is hereinbefore set forth, was duly sworn by
me, and that such deposition is a true
record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage; that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 20th day of March,
2023.

A handwritten signature in cursive script that reads "Lynn Luckman". The signature is written in dark ink and is positioned above a horizontal line.

LYNN LUCKMAN

1 Errata Sheet

2

3 NAME OF CASE: LETICIA FRANCINE STIDHUM -against- CASE: 21- 161-10 HILLSIDE AUTO AVE

4 DATE OF DEPOSITION: 03/09/2023

5 NAME OF WITNESS: ANDRIS GUZMAN

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25 _____

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